

**SALEM PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**April 26, 2011**

**7:00**

**Present:** K. Buckley-Chairperson, D. Bingham, E. Burr, R. Savalle, G. Walter, M. Chinatti, Town Planner/ZEO, Sue Spang, Recording Secretary

**Absent:** R. Amato, G. Fogarty, H. McKenney, V. Smith, Alt., Alt, Vacancy-

**Guests** See Sign in Sheet

**CALL TO ORDER:** K. Buckley called the meeting to order at 7:02 and introduced the members present.

**ADDITIONS TO THE AGENDA:** M/S/C (Buckley/Burr) to add LDP#11-04-01-Erik Kudlis, agent, for property at 643 West Road (Slota-Novak Subdivision)-Lot development plan to relocate previously approved home and septic location for better solar visibility and less clearing of attractive evergreens as New Business but to follow the POC&D presentation under Old Business. Vote: Approved Unanimously

**PUBLIC HEARING** None

**PETITIONERS:** None

**PUBLIC COMMENT**-None

**OLD BUSINESS**

**1) Plan of Conservation and Development (POC&D) Draft review**

F. Abetti, Chairman of the POC&D appeared before the Commission to hear any questions or concerns the members may have on the draft POC&D (See File Copy). He stated that he and Gloria Fogarty met with M. Chinatti on a number of occasions to go over the draft and that she was very helpful during the process.

K. Buckley asked the members to make comments or questions page by page. They are as follows:

- Page 1, Section 1.2.2 clarification on what is meant by a resource who is *professionally trained in planning...* F. Abetti explained that the committee discussed the fact that M. Chinatti, (Town Planner, ZEO, WEO) was over 100% utilized and with the added demands on her time by the Town and EDC in the future the Town may feel a need to go out regionally for a town planner.  
G. Fogarty stated that it would possibly be a reorganization of M. Chinatti's responsibilities.
- Page 2, Section 1.5.1 questioned the imposition of fines for Inland Wetlands and Conservation Commission (IWCC) in accordance with Section 22-42g of the CT General Statutes.  
M. Chinatti explained that if the Town adopted an ordinance and subsequently the IWCC adopted regulations it would allow for the imposition of fines. There would have to be a citation board set up that would review any fines given by the WEO.
- Page 2, Section 1.5.6 clarification on recommendation of sewer avoidance. F. Abetti stated this was in the 2001 POC&D and the emphasis should be on, *town wide*.
- Page 3 F. Abetti pointed out the large section which was added in response to the Commission's request to incorporate some of the Eight Mile River Management Plan.
- Page 5, Section 4.4.1 Clarified the significance of using the word, *National* Historic District. F. Abetti stated M. Chinatti suggested adding the word, *National* because Salem does not have regulations for a Town Historic District. Alfred Bingham and John Bodman applied for National Historic District for the section of Salem on Route 85, it was designated in 1980. This does not mean there are regulations for this district.
- Page 7, Section 5.2.1. The use of the word, alert was questioned. D. Abetti stated this would be used by EDC for a developer who would be given a tip sheet to help them get through the approval process. Likewise they could also be alerted to the fact that there are regulations that are firm and not likely they could be changed in order to make the approval process easier.

- Page 8, Section 9.2.3 clarification on the use of “fee in lieu of “for trails. M. Chinatti stated the Commission has not received any fees in lieu of. If they did have any fees they would be put into an account and could be used for open space, recreation, maintenance on open space, and improvements.

D. Bingham explained how the fee in lieu of works and the Commission can not force the fee on developers. He was not sure if it could be used to develop trails. M. Chinatti stated at one point there was discussion between planners and the consensus was that the funds could be used for trail development. She will check for confirmation.

D. Bingham stated the summary of high level changes (See File Copy) was very helpful. There was discussion of the how to proceed once the draft was completed. K. Buckley stated that determining the correct procedure will be an action item.

F. Abetti thought the Committee would have the final draft at the end of June.

#### **NEW BUSINESS (taken out of order)**

1. **LDP#11-04-01-Erik Kudlis, agent, for property at 643 West Road (Slota-Novak Subdivision)-Lot development plan to relocate previously approved home and septic location for better solar visibility and less clearing of attractive evergreens**

M. Chinatti informed the Commission the applicant is before the members because, as a condition of approval of the sub-division (Slota-Novak) years ago, each plan for a residence/lot has to come before the Commission for approval due to the difficult drainage on the property.

E. Kudlis presented an overview of where the plan for the home was previously located and why the builders would like to change the location. He stated his company specializes in green buildings and they are energy star builders. He cited four reasons why his proposed site is better than the one previously approved.

1. The new entrance to the house would be shorter and more direct
2. The old site for the house was in a large stand of trees some of which are beautiful, mature trees. They would have to be taken down in order to put the house where currently approved.
3. There is a large pile of rock rubble in the woods which would have to be removed if the house were to stay in its approved location.
4. The newly proposed site would be better situated for solar advantages, it has a better panoramic view

The property is approximately 3.4 acres and has a nice open field which would make a better yard closer to the house. They would cut down a line sour cherry trees that are covered with vines and compromised; this would give a better view of the line of pines in the tree stand.

There was discussion about the number of lots on the common driveway. It was determined the lot number met the regulation for common driveways.

D. Bingham stated that the Commission does not question the location of the house as long as it meets all the requirements and setbacks. The location of a house can change due to the results of test pits.

D. Bingham asked about the drainage of the property and if the drainage will be affected with the change of location of the house.

E. Kudlis stated the property slopes gently down, it is fairly level, and the new test pits that were drilled for the changed location were better than the originals.

**M/S/C (Burr/Savalle) to table application LDP#11-04-01- property at 643 West Road until the May 17, 2011 meeting. Vote: Approved Unanimously**

## **OLD BUSINESS (CONTINUED)**

### **2. PZC Goals 2011-Next Steps**

M. Chinatti presented an outline for the goals and priorities for the Commission. She has lined up a speaker for the Aquifer Protection Zone Regulations and he may be available to help the municipality with the preparation of regulations and research with no cost to the town. A DEP representative will present a workshop to the Commission and possibly to other towns about the LID. The document outlines a way forward according to the priority grouping the Commission developed at a previous meeting.

K. Buckley spoke about impervious surface and suggested the Commission discuss a strategy about how to approach the issue, what is the goal?

## **NEW BUSINESS**

### **2. PENDING LEGISLATION.**

M. Chinatti presented proposed legislation which she is particularly concerned about.

File # 218 which takes away the site plan and subdivision plan approval from Planning and Zoning Commissions and gives it to a designee of the Commission, presumably the Town Planner or ZEO. The language has changed somewhat to allow a Commission to designate itself as the approving authority.

D. Bingham stated it was a bad idea because going through the approval process is how Commission members learn and are able to make better regulations. If the approval process is taken out of the Commission's hands then the knowledge would be lost.

K. Buckley pointed out the legislation also takes away the ability to have a public hearing therefore, the ability of the community to speak to the plan.

E. Burr stated that if one person was charged with approval then the full liability would be on that person.

D. Walter asked what the purpose of the legislation was.

M. Chinatti responded that builders want the process streamlined and the approval time lessened.

The Commission discussed sending one letter from the Commission to Sen. Stillman.

M. Chinatti discussed Substitute Bill 860 which deals with when bonds have to be received or required in the process of development. The existing statute requires that a bond be filed before the mylar's are signed, if the new substitute bill is passed then the bond is required before the work is completed. She thought this was not a good idea and suggested that if a developer is putting in a subdivision, people have bought lots and the developer has started the road and then goes bankrupt the Town has no recourse because a bond has not been received. The bill would also prohibit the Commission from asking for a maintenance bond.

**M/S/C (Buckley/Burr) to authorize the Chairman to send a letter to Sen. Stillman stating the Commission's opposition to File # 218 and Substitute Bill 860. Vote: Approved Unanimously.**

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT:**

M. Chinatti reported to the Commission that she received a letter from Nathan Jacobson regarding the water treatment plant at the Salem Town Center stating that all concerns have been met. Mylars from the State have been received for that project.

**APPROVAL OF MINUTES:**

**M/S/C (Buckley/Bingham) to approve the minutes of March 15, 2011 as amended.**

Add on page 4, Zoning Enforcement report. Add that Gloria Fogarty and Ruth Savalle also watched the webinar.

Add on page 6 that R. Amato was also interested in attending the Economic Development workshop

**Vote: Approved Unanimously**

**M/S/C (Buckley/Burr) to approve the minutes of March 22, 2011 as amended**

Page 1, Old Business, item 1, remove the number and %'s

**Vote: Approved Unanimously**

**EXECUTIVE SESSION:** Pending Litigation-Kobyluck

*D. Bingham recused himself as he is an abutter of the Kobyluck Quarry*

**M/S/C (Buckley/Burr)** To go into executive session at 8:40, to discuss pending legislation, M. Chinatti and S. Spang are invited to stay at the pleasure of the Commission. Attending members, Buckley, Burr, Walter, and Savalle to attend the executive session

**Members came out of Executive Session at 9:10**

**PLUS DELTAS:** No Plus Deltas were discussed.

**CORRESPONDENCE:** Connecticut Chapter of the American Planning Assoc.-Hot Topics in Land Use Law and Practice 2011. M. Chinatti would like to attend, anyone else who would like to go needs to contact M. Chinatti.

**ADJOURNMENT:** M/S/C (Savalle/Burr) to adjourn at 8:12. **Vote: Approved Unanimously.**

**Respectfully Submitted,**

**Sue Spang**

**Recording Secretary**